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Attorney Docket No.: 40146/24401 (1299)

REMARKS

Claims 1-25 remain pending in the above-referenced application. Applicants acknowledge that claims 1-10 have been allowed and that claims 14-17 and 21-25 have been deemed to include allowable subject matter.

Claims 11-13 and 18-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Published Patent Application No. 2004/0043797 to Shostak ("Shostak"). Applicants disagree that Shostak teaches the limitation from claim 11 a "processor programmed to control operation of said transmitter and receiver and to periodically power down said transmitter and receiver *for selected time intervals at a period corresponding to said selected period of audio or video information.*" The claim language states that the processor powers down the transmitter and receiver for a period of time corresponding to the "period" of audio and video information. The claim language is supported in the specification by the duration of 20-40 ms for an audio/video packet. (See paragraph [0021]). A "packet" is a logical unit of organization for data. Since the claim language at issue is supported by the packet example, the power down interval ought to be interpreted to mean that its duration corresponds to a discernible unit of organization for audio or video bits.

Shostak discloses a power down interval, but Shostak does not describe its duration as corresponding to that of an audio/video packet or any other type of data structure for organizing such information. Shostak describes several power down intervals of various durations. In Shostak, power down intervals may last either 100, 200, 500, or 1000 ms. (See paragraphs [0004], [0007], and [0069]). Shostak does not state that any of these durations corresponds to that of an audio or video packet. Shostak mentions audio packets in paragraphs [0065] and [0075], but nowhere does Shostak associate the duration of these packets with the power down intervals discussed above. Without such an association the Examiner cannot establish that the power down intervals of Shostak correspond "to said selected period of audio or video information."

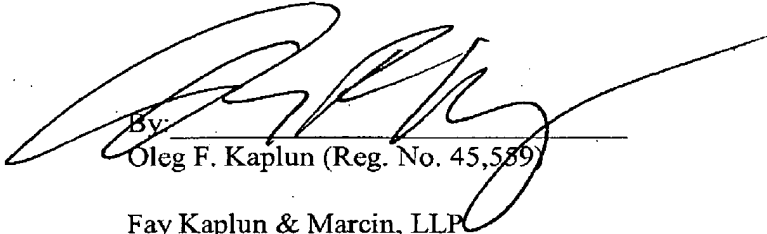
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The Examiner relies on the time line of Figure 12 of Shostak to meet this limitation, but this reliance is misplaced. The figure illustrates for three devices the periods during which they are active or powered down. Nothing in this figure associates the power down interval duration to the duration of audio packets or any other kind of audio data organizational structure. In fact, in the description of the figure in paragraph [0069], Shostak mentions power down intervals (i.e., "listening intervals") of 500 and 1000ms, but Shostak does not state that the audio packets are of these durations. Therefore, since Shostak does not associate the duration of the audio packets with the duration of the various listening intervals, it is not the case that Shostak identically shows a "processor programmed to control operation of said transmitter and receiver and to periodically power down said transmitter and receiver for selected time intervals at a period corresponding to said selected period of audio or video information." Accordingly, withdrawal of this rejection is respectfully requested.

In view of the remarks submitted above, Applicants respectfully submit that the present case is in condition for allowance. All issues raised by the Examiner have been addressed, and a favorable action on the merits is thus earnestly requested.

Respectfully submitted,

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